



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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094398,405 09/16/99 SALERNO 11/30/99 IDS J JCS96-017

0232/0930

DAVID E BROOK ESQ
HAMILTON BROOK SMITH & REYNOLDS PC
TWO MILITIA DRIVE
LEXINGTON MA 02173

12/16/99

SED

NOT ASSIGNED

1642

DATE MAILED:

09/30/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☒ non-small entity is \$ 2684.

☒ 1. The statutory basic filing fee is:

- ☒ missing.
☐ insufficient.

Applicant must submit \$ 2600 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 702 for 39 total claims over 20.

\$ 1092 for 14 independent claims over 3.

\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to Attention: Box Missing Parts.

A copy of this notice MUST be returned with the reply.

Customer Service Center

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01 FEB 2001
AP 10:00

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01 FEB 2001

Section 3
11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John C. Salerno

Application No.: 09/398,405

Filed: September 16, 1999

For: Activators of Endothelial Nitric Oxide Synthase



Group: 1642

Examiner:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>Jan 28, 2000</u>	<u>Heather B. Hill</u>
Date	Signature
<u>HEATHER B. HILL</u>	
Typed or printed name of person signing certificate	

REPLY TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In reply to the Notice to File Missing Parts dated September 30, 1999, the following documents and fees are being submitted for filing in the captioned application:

[x] **EXECUTED DECLARATION/POWER OF ATTORNEY** - A copy of the Notice is attached.

(Separate transmittal letter and postcard not required)

[x] **FILING FEE** - with Fee Transmittal for Patent Applications in duplicate.

(Separate transmittal letter and postcard not required)

[x] **SURCHARGE** - surcharge fee of \$65.00

(Separate transmittal letter and postcard not required)

[x] **SEQUENCE LISTING** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

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190.00 GP

☒ **PETITION FOR EXTENSION OF TIME**

☒ Applicant hereby petitions to extend the time to respond to the Notice to File Missing Parts dated September 30, 1999 for two months from November 30, 1999 to January 30, 2000. The appropriate fee of \$190 is included in the enclosed check.

☐ A ☐ month extension of time to respond to the Notice to File Missing Parts dated ☐ was filed on ☐ with payment of a \$☐ fee.

☐ Applicant hereby petitions for an additional ☐ month extension of time to respond to the Notice to File Missing Parts. The appropriate fee of \$☐ is included in the enclosed check.

(Separate Petition for Extension of Time and postcard not required)

☐ **REQUEST FOR CORRECTED FILING RECEIPT** - Filed concurrently and is attached.

(Separate transmittal letter and postcard required)

☒ **VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**

☐ Was filed on ☐.

☒ Is enclosed herewith. One Verified Statement, signed by licensee on 10/5/99, and one Verified Statement (filed on 10/25/99) from prior case Serial No.: 08/679,006, which was filed on July 12, 1996.

(Separate transmittal letter and postcard not required)

☐ In view of the small entity status of the captioned application, we hereby request a reimbursement of 50% of the filing fees in the amount of \$☐ which were paid on ☐ to be deposited in Deposit Account No. 08-0380.

The fees required for filing the indicated documents are enclosed in the form of a check in the total amount of \$1,532. Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

David E. Brook, R.N. 22592

By *for Elizabeth W. Mata*
Elizabeth W. Mata

Registration No.: 38,236

Tel.: (781) 861-6240

Fax: (781) 861-9540

Lexington, Massachusetts 02421-4799

Date: *1120/00*

FEE TRANSMITTAL FOR PATENT APPLICATIONS		Attorney Docket Number		JCS96-01Z	
		Application Number		09/398,405	
		First Named Inventor		John C. Salerno	
CLAIM CALCULATION (includes any preliminary amendment)					
CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	59 - 20* =	39	x \$ 18 =	\$ 702
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	17 - 3** =	14	x \$ 78 =	\$ 1092
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			+ \$ 260 =	\$
				BASIC FEE (37 CFR 1.16(a) or (h))	\$ 760
				Total of above Calculations =	\$ 2554
				Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27, 1.28) =	\$ 1277
				TOTAL =	\$ 1277
				Surcharge - Late Filing of Declaration or Filing Fees (37 C.F.R. 1.16(e)) =	\$ 65
				Petition for Extension of Time Fee (37 C.F.R. 1.17) =	\$ 190
				Assignment Recordation Fee = (only when filed with application)	\$
				TOTAL =	\$ 1532
<p>* Reissue claims in excess of 20 and over original patent ** Reissue independent claims over original patent</p>					
<p>1. Small entity status:</p> <p>a. <input checked="" type="checkbox"/> A small entity statement is enclosed.</p> <p>b. <input type="checkbox"/> A small entity statement was filed in the prior non-provisional application and such status is still proper and desired.</p> <p>c. <input type="checkbox"/> Is no longer claimed.</p> <p>2. <input checked="" type="checkbox"/> A general authorization is hereby granted to charge deposit account number 08-0380 for any fees required under 37 CFR 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.</p> <p>3. <input checked="" type="checkbox"/> A check is enclosed for \$[1,532]. <input type="checkbox"/> Please charge \$[] to Deposit Account No. 08-0380.</p> <p>4. <input type="checkbox"/> Other: _____</p>					
Signature		Date			
Submitted by Typed or Printed Name		Elizabeth W. Mata		Reg. Number 38,236	